
HOUSE BILL 2753

State of Washington

60th Legislature

2008 Regular Session

By Representatives Ross, Blake, Haler, Grant, Hailey, Warnick, Ahern, and Kretz

Read first time 01/16/08. Referred to Committee on Agriculture & Natural Resources.

1 AN ACT Relating to establishing the minimum time that a species
2 must spend designated as endangered after being identified as such by
3 the fish and wildlife commission; and amending RCW 77.12.020.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 77.12.020 and 2002 c 281 s 3 are each amended to read
6 as follows:

7 (1) The director shall investigate the habits and distribution of
8 the various species of wildlife native to or adaptable to the habitats
9 of the state. The commission shall determine whether a species should
10 be managed by the department and, if so, classify it under this
11 section.

12 (2) The commission may classify by rule wild animals as game
13 animals and game animals as fur-bearing animals.

14 (3) The commission may classify by rule wild birds as game birds or
15 predatory birds. All wild birds not otherwise classified are protected
16 wildlife.

17 (4) In addition to those species listed in RCW 77.08.020, the
18 commission may classify by rule as game fish other species of the class

1 Osteichthyes that are commonly found in fresh water except those
2 classified as food fish by the director.

3 (5) The director may recommend to the commission that a species of
4 wildlife should not be hunted or fished. The commission may designate
5 species of wildlife as protected.

6 (6) If the director determines that a species of wildlife is
7 seriously threatened with extinction in the state of Washington, the
8 director may request its designation as an endangered species. The
9 commission may designate an endangered species. A species designated
10 as endangered by the commission must be so designated for no less than
11 six months before any commission action is taken to remove the species
12 from designation or to change the designation of the species. After
13 six months from the initial designation, if the situation warrants, the
14 commission must act to remove the species from designation or to change
15 the designation of the species.

16 (7) If the director determines that a species of the animal
17 kingdom, not native to Washington, is dangerous to the environment or
18 wildlife of the state, the director may request its designation as
19 deleterious exotic wildlife. The commission may designate deleterious
20 exotic wildlife.

21 (8) Upon recommendation by the director, the commission may
22 classify nonnative aquatic animal species according to the following
23 categories:

24 (a) Prohibited aquatic animal species: These species are
25 considered by the commission to have a high risk of becoming an
26 invasive species and may not be possessed, imported, purchased, sold,
27 propagated, transported, or released into state waters except as
28 provided in RCW 77.15.253;

29 (b) Regulated aquatic animal species: These species are considered
30 by the commission to have some beneficial use along with a moderate,
31 but manageable risk of becoming an invasive species, and may not be
32 released into state waters, except as provided in RCW 77.15.253. The
33 commission shall classify the following commercial aquaculture species
34 as regulated aquatic animal species, and allow their release into state
35 waters pursuant to rule of the commission: Pacific oyster (*Crassostrea*
36 *gigas*), kumamoto oyster (*Crassostrea sikamea*), European flat oyster
37 (*Ostrea edulis*), eastern oyster (*Crassostrea virginica*), manila clam

1 (Tapes philippinarum), blue mussel (Mytilus galloprovincialis), and
2 suminoe oyster (Crassostrea ariankensis);

3 (c) Unregulated aquatic animal species: These species are
4 considered by the commission as having some beneficial use along with
5 a low risk of becoming an invasive species, and are not subject to
6 regulation under this title;

7 (d) Unlisted aquatic animal species: These species are not
8 designated as a prohibited aquatic animal species, regulated aquatic
9 animal species, or unregulated aquatic animal species by the
10 commission, and may not be released into state waters. Upon request,
11 the commission may determine the appropriate category for an unlisted
12 aquatic animal species and classify the species accordingly;

13 (e) This subsection (8) does not apply to the transportation or
14 release of nonnative aquatic animal species by ballast water or ballast
15 water discharge.

16 (9) Upon recommendation by the director, the commission may develop
17 a work plan to eradicate native aquatic species that threaten human
18 health. Priority shall be given to water bodies that the department of
19 health has classified as representing a threat to human health based on
20 the presence of a native aquatic species.

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